

REMARKS

The foregoing amendment amends claim 1. Claims 6 and 7 were withdrawn from further consideration. Applicants respectfully submit that claims 1-5 define over the art of record.

I. Telephone Interview

Applicants thank the Examine for the courtesy of a telephone interview conducted on December 9, 2008.

During the interview, Applicants discussed a proposed amendment relative to the cited Shimotori reference. Applicants argued to the Examiner that Shimotori does not teach or suggest that the coolant flow passage is formed between the separators of adjacent unit cells, as recited in the proposed amendment.

In response, the Examiner agreed that the figures of the cited reference do not disclose or teach the above feature. The Examiner indicated that the proposed amendment may overcome the cited reference if the text portion of the reference does not describe this feature. The Examiner also indicated that she may need to conduct another search.

In light of the discussion with the Examiner, Applicants amend claim 1 to recite that “the coolant flow passage is formed between one of said first separator or said second separator of a unit cell and one of said first separator or said second separator of an adjacent unit cell.” Support for the amendment can be found, for example, in Figs. 1 and 2 and corresponding descriptions in the specification. No new matter is added.

II. Claim Rejection Under 35 U.S.C. §102 or §103

Claims 1-5 are rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over United States Patent No.

6,492,055 to Shimotori *et al.* (hereafter “Shimotori”). See the Office Action, page 2. Applicants respectfully traverse the rejection in view of the amended claims.

A. Claim 1

Applicants respectfully submit that Shimotori does not disclose or teach that *the coolant flow passage is formed between one of said first separator or said second separator of a unit cell and one of said first separator or said second separator of an adjacent unit cell*, as recited in amended claim 1.

Shimotori describes that the coolant passages (15) penetrate the unit cells such that a coolant flows through the unit cells in the stacking direction. Figures 27b and 28b of Shimotori depict a front end plate (100a) and a rear end plate (100b) of a fuel cell stack, respectively. Shimotori describes that the front end plate (100a) and the rear end plate (100b) include coolant passages (102b).

However, the coolant passages (102b) described in Shimotori are not formed between one of the first separator or the second separator of a unit cell and one of the first separator or the second separator of an adjacent unit cell, as recited in amended claim 1. Shimotori does not disclose or teach that *the coolant flow passage is formed between one of said first separator or said second separator of a unit cell and one of said first separator or said second separator of an adjacent unit cell*, as recited in amended claim 1.

For at least the reasons set forth above, Applicants respectfully submit that Shimotori does not disclose or teach each and every element of amended claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) or 35 U.S.C. §103(a) rejection of claim 1.

B. Claims 2-5

Claims 2-5 depend from claim 1 and incorporate the features of claim 1. For at least reasons set forth above regarding claim 1, Applicants submit that Shimotori does not disclose or teach each and every feature of claims 2-5. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) or 35 U.S.C. §103(a) rejection of claims 2-5.

III. Conclusion

In light of the above amendments and arguments, Applicants respectfully submit that all of the pending claims are in condition for allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. TOW-034RCE2. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

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